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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,935	12/30/1999	Ilya Umansky	14013-32CIP	2956

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LAW OFFICES OF IMAM
111 N. MARKET STREET, SUITE 1010
SAN JOSE, CA 95113

EXAMINER

TRAN, PHUC H

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/474,935

Applicant(s)

UMANSKY, ILYA

Examiner

PHUC H TRAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the applicant's response filed 3/17/2003. The 112 Rejection claims are withdrawn in view of the amendment. Claims 1-18 are pending in the application. Detailed action is followed:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding to claim 1, "transmitting failed fax pages, defined by those fax pages of the fax document that failed to be successfully transmitted to the recipient fax machine, in the form of a secondary email message, in the form of secondary email packets, to the mail server for further retransmission of the failed faxed pages to the recipient fax machine" is not clear how different between the form of secondary email message and email packet.
- Regarding to claim 7 in line 8-9 is how the packets can transmit to the recipient fax machine without convert to fax pages.
- Regarding to claim 8 in line 10-11 is how the packets can transmit to the recipient fax machine without convert to fax pages.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield (U.S. Patent No. 6023345) in view of Sayward (U.S. Patent No. 5712712).

- With respect to claims 1, 3-4, 15, & 17-18, Bloomfield teaches an email/fax communication system for use in a packet switching network environment (e.g. Fig. 1 shows) including a mail server (block 112 in Fig. 1) for storing email messages (e.g. block 210 in Fig. 3) for transmission thereof, in the form of a fax document, to one or more recipient fax machines (e.g. block 102 in Fig. 1), comprising: a router for receiving a first email message, in the form of packets, from the mail server (e.g. block 104 in Fig. 1), for converting the first email message packets to original fax pages of a fax document (col. 7, lines 20-27), for transmitting a first fax pages to a recipient fax machine and upon failure to successfully transmit at least one of the first fax pages of the fax document to the recipient fax machine, transmitting one or more of the first email message packets to a destination other than the recipient fax machine (see bridge paragraph between col. 1 & 2). Bloomfield fails to teach the defining steps of failed fax pages in the system. Sayward teaches the step of detecting error in transmitting fax pages to recipient (Fig. 6, block 608-610). The detecting error in transmission fax can be implement into Bloomfield's system. Therefore, it would have been obvious to a person of ordinary skill in the

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art at the time of the invention was made to implement the method of detecting error for monitoring and protecting the data in the communication system.

- With respect to claims 2, & 5-6, Bloomfield also teaches wherein the first email message includes first envelope information, in the form of packets, having a destination field for identifying the recipient fax machine (e.g. Figs. 4 & 5 show).

- With respect to claims 7, 9 & 16, Bloomfield teaches wherein the first/secondary envelope information includes a source field for identifying the source of the first email message and a header field for identifying subject matter of the first email message (e.g. Fig. 4 & 5 and col. 8, lines 30-67).

- With respect to claims 8 & 10, Bloomfield discloses wherein the destination field of the first envelope information is a "To:" field (e.g. 283 in Fig. 4).

- With respect to claims 13 & 14, Bloomfield teaches wherein the router further for storing a particular fax page therein until the particular fax page is successfully transmitted to the recipient fax machine (e.g. the E-Mail server 112 receives email from the network 116 and stores in memory 140 to transmit to the fax devices).

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
May 30, 2003



DANG TON
PRIMARY EXAMINER